

ENTERED

March 14, 2025

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION****UNITED STATES OF AMERICA,****VS.****HEAVEN TRACI WILLIAMS, et al.,**§
§
§
§
§
§
§
§
§**CIVIL ACTION NO. 4:22-CR-490****ORDER DENYING DEFENDANT'S MOTION TO DISMISS COUNT FOUR**

Before the Court is Defendant Heaven Williams's Motion to Dismiss Count Four of the Superseding Indictment. (Doc. No. 113). Defendant argues that, because the United States charged her with violations of both Title 18 U.S.C. § 1344(1) and 1344(2) in a single count, the Superseding Indictment is duplicitous. (Doc. No. 113 at 2).

Based on Fifth Circuit precedent, where "a statute specifies several alternative ways in which an offense can be committed, the indictment may allege the several ways in the conjunctive, and a conviction thereon will stand if proof of one or more of the means of commission is sufficient." *United States v. Harvard*, 103 F.3d 412, 420 (5th Cir. 1997) (interpreting 18 U.S.C. § 1344(1) & (2)). Therefore, the Court holds that Count Four is not duplicitous, and the Motion to Dismiss on this ground is **DENIED**. (Doc. No. 113).

Signed this 14th day of March, 2025.

Andrew S. Hanen
United States District Judge